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REMARKS

In the Final Office Action, the Examiner noted that claims 1-41 are pending in the application, and that claims 1-41 are rejected. By this response, claims 12, 14-17, 19, 21-24, 30, 32-35, and 38-41 continue unamended; claims 1-11, 13, 18, 20, 25-29, 31, 36, and 37 are canceled without prejudice or disclaimer; and claims 42-79 are added. In view of the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. In addition, the Applicant incorporates by reference the arguments presented in the Response dated April 21, 2004 in response to the Office Action dated July 2, 2004. Thus, the Applicant believes that all of these claims are now in allowable form.

In addition, the Applicant thanks the Examiner for the interview granted on January 5, 2004. During the interview the Applicant, through his attorney, presented arguments regarding the Applicant's invention and the cited references. The Applicant has added new claims 42-79 and provided the discussed arguments herein.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102

The Examiner rejected, under 35 U.S.C. §102(b), claims 1-3, 9-11, 13, 18, 20, 25-29, 31, and 37 as being anticipated by Carlsson et al. (U.S. Patent No. 5,125,841, issued June 30, 1992) ("Carlsson"); and claims 1-3, 9-11, 18, and 25-29 as being anticipated by Sutter (WO 98/52490, corresponding U.S. Patent No. 6,332,777, issued December 25, 2001).

A. Claims 1-3, 9-11, 13, 18, 20, 25-29, 31, and 37

The Examiner rejected, under 35 U.S.C. §102(b), claims 1-3, 9-11, 13, 18, 20, 25-29, 31, and 37 as being anticipated by Carlsson. The Applicant canceled claims 1-3, 9-11, 13, 18, 20, 25-29, 31, and 37. As such, the rejection of these claims is moot. However the Applicant has added claims 42-79. As such, the Applicant has provided the following arguments with respect to the references and the newly added claims.

Carlsson discloses a device for providing a dental impression (i.e., an "impression top"). The device is intended to transfer the direction and position of a dental implant or an extension element to a work model. The upper part of the device has a geometry which provides for retention in the surrounding impression compound. For retention, Carlsson utilizes a

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"central, elongate beam 5 provided with a number of transverse rods The elongate beam 5 has a rectangular cross-section, while the transverse rods 6 have a circular cross-section with a diameter which slightly exceeds the width of the beam 5. The elongate beam 5 is terminated at the top with a transverse rod 6." See Carlsson at col. 3, lines 10-23.

The Applicant also directs the Examiner's attention to Figs. 1A and 1B of Carlsson. It is clear from these figures that the transverse rods disclosed in Carlsson are parallel (i.e., in the same plane).

The Applicant claims an analog/method which provides more accurate seating of a prosthesis to an abutment or implant. To anchor an analog, the Applicant utilizes projections located only near a bottom end, in various embodiment; and "some anti-rotation anchoring projections in said plurality are not parallel with other anti-rotation anchoring projections in said plurality," in other embodiments. The Applicant's apparatus claims 42 and 61; and method claim 56, 60, 75, and 79 positively recite these features.

Carlsson is silent with respect to analogs, the placement of a plurality of projections only near one end of a pin, or a plurality of projections some of which are parallel while others are not. Thus, in view of the forgoing, Carlsson does not teach or suggest each and every element of Applicant's invention as recited in apparatus claims 42 and 61; and method claims 56, 60, 75, and 79. In addition, Carlsson does not teach or suggest using an improved analog device or analog method.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Carlsson does not teach each and every element of Applicant's in apparatus claims 42 and 61; and method claims 56, 60, 75, and 79. Therefore, the Applicant contends that at least for the reasons provided, apparatus claims 42 and 61; and method claims 56, 60, 75, and 79 are not anticipated by Carlsson.

Furthermore, dependent claims 43-55 (which depend directly or indirectly upon claim 42); dependent claims 57-59 (which depend directly or indirectly upon claim 56); dependent claims 62-74 (which depend directly or indirectly upon claim 61); and dependent claims 76-78 (which depend directly or indirectly upon claim 75) recite additional features therefor. Since

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Carlsson does not anticipate Applicant's invention as recited in claims 42, 56, 60, 61, 75, and 79, Applicant submits that the depend claims which depend there-from are also not anticipated and are allowable.

B. Claims 1-3, 9, 10, 11, 18, and 25-29

The Examiner rejected claims 1-3, 9-11, 18, and 25-29 as being anticipated by Sutter. The Applicant canceled claims 1-3, 9-11, 18, and 25-29. As such, the rejection of these claims is moot. However the Applicant has added claims 42-79. As such, the Applicant has provided the following arguments with respect to the references and the newly added claims.

The Applicant incorporates the explanation of Applicant's invention from section "A" herein, into the instant section. For brevity, that explanation is not repeated.

The Applicant respectfully submits that like Carlsson, Sutter is also used for impression molding. Sutter does not disclose an analog device or method.

Sutter discloses forming a dental prosthesis which allows the attachment of an impression element 50. Examination of Sutter reveals that an anchoring part 15 is for anchoring in a bone or a master model ... said annular surfaces (18, 56) have fully circular outer edges which are visible from the outside in an approximately radial viewing direction." Element 50 is not an analog post. Rather element 50 is inserted in a post for the purpose of orientation of an element, i.e., a crown. Thus, Sutter does not disclose projections emanating from the post but rather projections emanating from the impression element.

As explained above, Applicant's independent claims apparatus claims 42 and 61; and method claim 56, 60, 75, and 79 recite, in some form, either a pin having a plurality of anti-rotation anchoring projections extending discretely and radially from said pin only near said bottom end; or a plurality of anchoring projections wherein some anti-rotation anchoring projections in said plurality are not parallel with other anti-rotation anchoring projections in said plurality.

Sutter does not disclose all of the elements recited in the Applicant's independent claims. Therefore, the Applicant contends that at least for the reasons provided, apparatus claims 42 and 61; and method claims 56, 60, 75, and 79 are not anticipated by Sutter.

Furthermore, dependent claims 43-55 (which depend directly or indirectly upon claim

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42); dependent claims 57-59 (which depend directly or indirectly upon claim 56); dependent claims 62-74 (which depend directly or indirectly upon claim 61); dependent claims 76-79 (which depend directly or indirectly upon claim 75) recite additional features therefor. Since Sutter does not anticipate Applicant's invention as recited in claims 42, 56, 60, 61, 75, and 79, Applicant submits that the depend claims which depend from claims 42, 56, 60, 61, 75, and 79 are also not anticipated and are allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103

The Examiner rejected claims 4-8 as being obvious in view of Carlsson; and claims 1-11, 18, and 25-29 as being obvious in view Sutter. The Applicant canceled claims 1-11 and 25-29. As such, the rejection of these claims is moot. However the Applicant has added claims 42-79. As such, the Applicant has provided the following arguments with respect to the references and the newly added claims.

As explained above, Carlsson and Sutter do not teach or disclose the elements recited by the Applicant. In fact, the Applicant by positioning by positioning the extensions only near the bottom end of the pin or by having some of the extensions not parallel with other extensions, teaches away from Carlsson and Sutter. Since either of these features is claimed, in some form, in the independent claims it follows that the independent claims also contain these features. As such, the Applicant maintains that Carlsson does not render the geometric cross-section recited in Applicant's claims obvious; and that Sutter does not render the geometric configuration recited in Applicant's claims obvious.

IN THE DRAWINGS

In the Response dated December 31, 2004 the Applicant canceled Figs. 28-32 without prejudice or disclaimer. However the Applicant wishes to reinstate Figs. 28-32 as originally filed. The reinstatement of these Figures does not include new matter. In addition, the Applicant has amended the specification, as indicated above, to provide more detail regarding the embodiments disclosed in Figs. 28-32. The amendments to the specification also do not include new matter.

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ALLOWABLE SUBJECT MATTER

The Examiner indicated that claims 12, 14, 16, 17, 19, 21, 23, 24, 30, 32-36, and 38-41 claimed allowable subject matter and that these claims would be allowed if rewritten into independent form to include the features of the claims from which they depend. The Applicant has amended claims 12, 14, 16, 17, 19, 21, 23, 24, 30, 32-36, and 38-41 as suggested by the Examiner. Applicant also corrects an inadvertent typographical error by changing the word "plastic" to "plaster" with reference to the molding material in allowable method Claims 30, 32, 38, and 39. This change is also made to previously presented new Claims 56, 60, 75 and 79.

CONCLUSION

Thus, Applicant submits that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Alfred M. Walker, Esq. at (631) 361-8737 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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Dated: January 18, 2005

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CERTIFICATE OF FAX TRANSMISSION

I certify that the aforementioned Amendment is being sent by fax transmission to 703) 872-9306 on the date indicated below.

Dated: January 18, 2005


Alfred M. Walker